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Hon. William F. Kuntz II
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *United States v. Bumagin*, 11 Cr. 800

Dear Judge Kuntz:

The government's September 10, 2015 letter regarding the defense experts and Rule 16 amounts to an attempt to stir up a tempest in a teapot.

As a preliminary matter, the defense has complied with the Rule. The potential defense experts ~~ four of whom have already testified in this case ~~ have been identified, and the testimony at trial has been summarized as directly as possible: "[The] experts may be called to testify about my client Semyon Bumagin's dementia and its effect on him during relevant periods, including with respect to memory, cognition, functionality, behavior, suggestibility, and executive function, insofar as these aspects of the disease bear on the issue of guilt in this case." Defense Expert Notice, docket entry no. 147. To the extent that the government does not wish to avail itself of the courtesy notation that much of the relevant subject matter is reflected in prior testimony, the exercise of that prerogative is irrelevant to the notice.

The government has already cross-examined Dr. Monica Rivera-Mindt, Dr. Dana Brauman, Dr. Jill Grant, and Dr. Sanford Drob. With respect to Dr. Ranga C. Krishna, MD, contrary to the government's assertions, the prosecution is well aware that he is the defendant's prior treating physician, *see* Exhibit 4 to the defense's Motion to Dismiss (attached to letter docketed at entry no. 80) (July 11, 2015 letter from Dr. Krishna ("Krishna Ltr.") reflecting diagnosis of dementia), and Exhibit 3 to the defense's Motion to Dismiss (attached to letter docketed at entry no. 81) (prior Rivera-Mindt testimony identifying Krishna Ltr., at pages 171-72); *see also* Government's post-competency

hearing briefing, docketed at entry no. 87 (incorporating, at pages 31-32, phone call recording that contains discussion regarding Dr. Krishna). In any event, the government now also has all the medical records generated under Dr. Krishna's care that are currently in the possession of the defense. *See* Letter to the Government Providing Rule 16 material, docket entry no. 151.

The Court's consideration of this letter is appreciated.

Sincerely,

s/
Zoë Dolan

Cc: All counsel via ECF